

Government of Ireland Bill.

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SCHEDULES.

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B I L L

TO

Amend the provision for the future Government of Ireland. A.D. 1886.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

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PART I.

Legislative Authority.

1. On and after the appointed day there shall be established in Ireland a Legislature consisting of Her Majesty the Queen and an Irish Legislative Body. Establishment of Irish Legislature.

10 2. With the exceptions and subject to the restrictions in this Act mentioned, it shall be lawful for Her Majesty the Queen, by and with the advice of the Irish Legislative Body, to make laws for the peace, order, and good government of Ireland, and by any such law to alter and repeal any law in Ireland. Powers of Irish Legislature.

15 3. The Legislature of Ireland shall not make laws relating to the following matters or any of them :— Exceptions from powers of Irish Legislature.

(1.) The status or dignity of the Crown, or the succession to the Crown, or a Regency ;

(2.) The making of peace or war ;

20 (3.) The army, navy, militia, volunteers, or other military or naval forces, or the defence of the realm ;

(4.) Treaties and other relations with foreign States, or the relations between the various parts of Her Majesty's dominions ;

25 (5.) Dignities or titles of honour ;

(6.) Prize or booty of war ;

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(7.) Offences against the law of nations; or offences committed in violation of any treaty made, or hereafter to be made, between Her Majesty, and any foreign State; or offences committed on the high seas;

(8.) Treason, alienage, or naturalization;

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(9.) Trade, navigation, or quarantine;

(10.) The postal and telegraph service, except as hereafter in this Act mentioned with respect to the transmission of letters and telegrams in Ireland;

(11.) Beacons, lighthouses, or sea marks;

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(12.) The coinage; the value of foreign money; legal tender; or weights and measures; or

(13.) Copyright, patent rights, or other exclusive rights to the use or profits of any works or inventions.

Any law made in contravention of this section shall be void.

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Restrictions
on powers of
Irish
Legislature.

4. The Irish Legislature shall not make any law—

(1.) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof; or

(2.) Imposing any disability, or conferring any privilege, on account of religious belief; or

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(3.) Abrogating or derogating from the right to establish or maintain any place of denominational education or any denominational institution or charity; or

(4.) Prejudicially affecting the right of any child to attend a school receiving public money without attending the religious instruction at that school; or

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(5.) Impairing, without either the leave of Her Majesty in Council first obtained on an address presented by the Legislative Body of Ireland, or the consent of the corporation interested, the rights, property, or privileges of any existing corporation incorporated by royal charter or local and general Act of Parliament; or

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(6.) Imposing or relating to duties of customs and duties of excise, as defined by this Act, or either of such duties, or affecting any Act relating to such duties or either of them; or

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(7.) Affecting this Act, except in so far as it is declared to be alterable by the Irish Legislature.

Prerogatives
of Her Ma-
jesty as to
Irish Legi-
slative Body.

5. Her Majesty the Queen shall have the same prerogatives with respect to summoning, proroguing, and dissolving the Irish Legislative Body as Her Majesty has with respect to summoning, proroguing, and dissolving the Imperial Parliament.

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6. The Irish Legislative Body whenever summoned may have continuance for five years and no longer, to be reckoned from the day on which any such Legislative Body is appointed to meet.

A.D. 1836.

Duration of the Irish Legislative Body.

Executive Authority.

5 7.—(1.) The Executive Government of Ireland shall continue vested in Her Majesty, and shall be carried on by the Lord Lieutenant on behalf of Her Majesty with the aid of such officers and such council as to Her Majesty may from time to time seem fit.

Constitution of the Executive Authority.

(2.) Subject to any instructions which may from time to time be given by Her Majesty, the Lord Lieutenant shall give or withhold the assent of Her Majesty to Bills passed by the Irish Legislative Body, and shall exercise the prerogatives of Her Majesty in respect of the summoning, proroguing, and dissolving of the Irish Legislative Body, and any prerogatives the exercise of which may be delegated to him by Her Majesty.

8. Her Majesty may, by Order in Council, from time to time place under the control of the Irish Government, for the purposes of that Government, any such lands and buildings in Ireland as may be vested in or held in trust for Her Majesty.

Use of Crown lands by Irish Government.

Constitution of Legislative Body.

20 9.—(1.) The Irish Legislative Body shall consist of a first and second order.

Constitution of Irish Legislative Body.

(2.) The two orders shall deliberate together, and shall vote together, except that, if any question arises in relation to legislation or to the Standing Orders or Rules of Procedure or to any other matter in that behalf in this Act specified, and such question is to be determined by vote, each order shall, if a majority of the members present of either order demand a separate vote, give their votes in like manner as if they were separate Legislative Bodies; and if the result of the voting of the two orders does not agree the question shall be resolved in the negative.

10.—(1.) The first order of the Irish Legislative Body shall consist of one hundred and three members, of whom seventy-five shall be elective members and twenty-eight peerage members.

First order.

35 (2.) Each elective member shall at the date of his election and during his period of membership be bona fide possessed of property which—

- (a.) if realty, or partly realty and partly personalty, yields two hundred pounds a year or upwards, free of all charges; or
- 40 (b.) if personalty yields the same income, or is of the capital value of four thousand pounds or upwards, free of all charges.

A.D. 1885.

(2.) For the purpose of electing the elective members of the first order of the Legislative Body, Ireland shall be divided into the electoral districts specified in the First Schedule to this Act, and each such district shall return the number of members in that behalf specified in that Schedule.

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(3.) The elective members shall be elected by the registered electors of each electoral district, and for that purpose a register of electors shall be made annually.

(4.) An elector in each electoral district shall be qualified as follows, that is to say, he shall be of full age, and not subject to any legal incapacity, and shall have been during the twelve months next preceding the *twentieth day of July* in any year the owner or occupier of some land or tenement within the district of a net annual value of twenty-five pounds or upwards.

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(5.) The term of office of an elective member shall be *ten* 15 *years*.

(6.) In every fifth year thirty-seven or thirty-eight of the elective members, as the case requires, shall retire from office, and their places shall be filled by election; the members to retire shall be those who have been members for the longest time without re- 20 election.

(7.) The offices of the peerage members shall be filled as follows; that is to say,—

(a.) Each of the Irish peers who on the appointed day is one of the twenty-eight Irish representative peers, shall, on giving his written assent to the Lord Lieutenant, become a peerage member of the first order of the Irish Legislative Body; and if at any time within *thirty years* after the appointed day any such peer vacates his office by death or resignation, the vacancy shall be filled by the election to that office by the Irish peers of one of their number in manner heretofore in use respecting the election of Irish representative peers, subject to adaptation as provided by this Act, and if the vacancy is not so filled within the proper time it shall be filled by the election of an elective member.

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(b.) If any of the twenty-eight peers aforesaid does not within *one month* after the appointed day give such assent to be a peerage member of the first order, the vacancy so created shall be filled up as if he had assented and vacated his office by resignation.

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(8.) A peerage member shall be entitled to hold office during his life, or until the expiration of *thirty years* from the appointed day,

whichever period is the shortest. At the expiration of such *thirty years* the offices of all the peerage members shall be vacated as if they were dead, and their places shall be filled by elective members qualified and elected in manner provided by this Act with respect to elective members of the first order, and such elective members may be distributed by the Irish Legislature among the electoral districts, so, however, that care shall be taken to give additional members to the most populous places.

(9.) The offices of members of the first order shall not be vacated by the dissolution of the Legislative Body.

(10.) The provisions in the Second Schedule to this Act relating to members of the first order of the Legislative Body shall be of the same force as if they were enacted in the body of this Act.

11.—(1.) Subject as in this section hereafter mentioned, the second order of the Legislative Body shall consist of two hundred and four members. Second order.

(2.) The members of the second order shall be chosen by the existing constituencies of Ireland, two by each constituency, with the exception of the city of Cork, which shall be divided into two divisions in manner set forth in the Third Schedule to this Act, and two members shall be chosen by each of such divisions.

(3.) Any person who, on the appointed day, is a member representing an existing Irish constituency in the House of Commons shall, on giving his written assent to the Lord Lieutenant, become a member of the second order of the Irish Legislative Body as if he had been elected by the constituency which he was representing in the House of Commons. Each of the members for the city of Cork, on the said day, may elect for which of the divisions of that city he wishes to be deemed to have been elected.

(4.) If any member does not give such written assent within one month after the appointed day, his place shall be filled by election in the same manner and at the same time as if he had assented and vacated his office by death.

(5.) If the same person is elected to both orders, he shall, within seven days after the meeting of the Legislative Body, or if the Body is sitting at the time of the election, within seven days after the election, elect in which order he will serve, and his membership of the other order shall be void and be filled by a fresh election.

(6.) Notwithstanding anything in this Act, it shall be lawful for the Legislature of Ireland at any time to pass an Act enabling the Royal University of Ireland to return not more than two members to the second order of the Irish Legislative Body in addition to the number of members above mentioned.

A.D. 1888.

A.D. 1885.

(7.) Notwithstanding anything in this Act, it shall be lawful for the Irish Legislature, after the first dissolution of the Legislative Body which occurs, to alter the constitution or election of the second order of that body, due regard being had in the distribution of members to the population of the constituencies; provided that no alteration shall be made in the number of such order. 5

Finance.

Taxes and
separate
Consolidated
Fund.

12.—(1.) For the purpose of providing for the public service of Ireland the Irish Legislature may impose taxes, other than duties of customs or excise as defined by this Act, which duties shall continue to be imposed and levied by and under the direction of the Imperial Parliament only. 10

(2.) On and after the appointed day there shall be an Irish Consolidated Fund separate from the Consolidated Fund of the United Kingdom. 15

(3.) All taxes imposed by the Legislature of Ireland and all other public revenues under the control of the Government of Ireland shall, subject to any provisions touching the disposal thereof contained in any Act passed in the present session respecting the sale and purchase of land in Ireland, be paid into the Irish Consolidated Fund, and be appropriated to the public service of Ireland according to law. 20

Annual
contributions
from Ireland
to Consolidated
Fund of United
Kingdom.

13.—(1.) Subject to the provisions for the reduction or cesser thereof in this section mentioned, there shall be made on the part of Ireland to the Consolidated Fund of the United Kingdom the following annual contributions in every financial year; that is to say,— 25

(a.) The sum of *one million four hundred and sixty-six thousand pounds* on account of the interest on and management of the Irish share of the National Debt: 30

(b.) The sum of *one million six hundred and sixty-six thousand pounds* on account of the expenditure on the army and navy of the United Kingdom: 35

(c.) The sum of *one hundred and ten thousand pounds* on account of the Imperial civil expenditure of the United Kingdom: 35

(d.) The sum of *one million pounds* on account of the Royal Irish Constabulary and the Dublin Metropolitan Police. 35

(2.) During the period of *thirty years* from this section taking effect the said annual contributions shall not be increased, but may be reduced or cease as herein-after mentioned. After the expiration 40

of the said *thirty years* the said contributions shall, save as otherwise provided by this section, continue until altered in manner provided with respect to the alteration of this Act.

(3.) The Irish share of the National Debt shall be reckoned at 5 *forty-eight million pounds* Bank annuities, and there shall be paid in every financial year on behalf of Ireland to the Commissioners for the Reduction of the National Debt an annual sum of *three hundred and sixty thousand pounds*, and the permanent annual charge for the National Debt on the Consolidated Fund of the United Kingdom shall be reduced by that amount, and the said annual sum shall be 10 applied by the said Commissioners as a sinking fund for the redemption of the National Debt, and the Irish share of the National Debt shall be reduced by the amount of the National Debt so redeemed, and the said annual contribution on account of the interest 15 on and management of the Irish share of the National Debt shall from time to time be reduced by a sum equal to the interest upon the amount of the National Debt from time to time so redeemed, but that last-mentioned sum shall be paid annually to the Commissioners for the Reduction of the National Debt in addition to 20 the above-mentioned annual sinking fund, and shall be so paid and be applied as if it were part of that sinking fund.

(4.) As soon as an amount of the National Debt equal to the said Irish share thereof has been redeemed under the provisions of this section, the said annual contribution on account of the interest 25 on and management of the Irish share of the National Debt, and the said annual sum for a sinking fund, shall cease.

(5.) If it appears to Her Majesty that the expenditure in respect of the army and navy of the United Kingdom, or in respect of Imperial civil expenditure of the United Kingdom, for any financial 30 year has been less than *fifteen* times the amount of the contributions above named on account of the same matter, a sum equal to *one fifteenth* part of the diminution shall be deducted from the current annual contribution for the same matter.

(6.) The sum paid from time to time by the Commissioners of 35 Her Majesty's Woods, Forests, and Land Revenues to the Consolidated Fund of the United Kingdom on account of the hereditary revenues of the Crown in Ireland shall be credited to the Irish Government, and go in reduction of the said annual contribution payable on account of the Imperial civil expenditure of the United 40 Kingdom, but shall not be taken into account in calculating whether such diminution as above mentioned has or has not taken place in such expenditure.

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(7.) If it appears to Her Majesty that the expenditure in respect of the Royal Irish Constabulary and the Dublin Metropolitan Police for any financial year has been less than the contribution above named on account of such constabulary and police, the current contribution shall be diminished by the amount of such difference. 5

(8.) This section shall take effect from and after the *thirty-first day of March one thousand eight hundred and eighty-seven.*

Collection
and appli-
cation of
customs and
excise
duties in
Ireland.

14.—(1.) On and after such day as the Treasury may direct all moneys from time to time collected in Ireland on account of the duties of customs or the duties of excise, as defined by this Act 10 shall, under such regulations as the Treasury from time to time make, be carried to a separate account (in this Act referred to as the customs and excise account) and applied in the payment of the following sums in priority as mentioned in this section; that is to say,—

- First, of such sum as is from time to time directed by the Treasury in respect of the costs, charges, and expenses of and incident to the collection and management of the said duties in Ireland not exceeding four per cent. of the amount collected there; 15
- Secondly, of the annual contributions required by this Act to be made to the Consolidated Fund of the United Kingdom; 20
- Thirdly, of the annual sums required by this Act to be paid to the Commissioners for the Reduction of the National Debt; 25
- Fourthly, of all sums by this Act declared to be payable out of the moneys carried to the customs and excise account; 30
- Fifthly, of all sums due to the Consolidated Fund of the United Kingdom for interest or sinking fund, in respect of any loans made by the issue of bank annuities or otherwise to the Government of Ireland under any Act passed in the present 35 session relating to the purchase and sale of land in Ireland, so far as such sums are not defrayed out of the moneys received under such Act;

(2.) So much of the moneys carried to a separate account under this section as the Treasury consider are not, and are not likely to be, required to meet the above-mentioned payments, shall from time to time be paid over and applied as part of the public revenues under the control of the Irish Government. 40

Charges on
Irish
Consolidated
Fund.

15.—(1.) There shall be charged on the Irish Consolidated Fund in priority as mentioned in this section:— 40

- First, such portion of the sums directed by this Act to be paid out of the moneys carried to the customs and excise account

in priority to any payment for the public revenues of Ireland, as those moneys are insufficient to pay ; A.D. 1896.

Secondly, all sums due in respect of any debt incurred by the Government of Ireland, whether for interest, management, or sinking fund ;

Thirdly, all sums which at the passing of this Act are charged on the Consolidated Fund of the United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant ;

Fourthly, the salaries of all judges of the Supreme Court of Judicature or other superior court in Ireland, or of any county or other like court, who are appointed after the passing of this Act, and the pensions of such judges ;

Fifthly, any other sums charged by this Act on the Irish Consolidated Fund.

(2.) It shall be the duty of the Legislature of Ireland to impose all such taxes, duties, or imposts as will raise a sufficient revenue to meet all sums charged for the time being on the Irish Consolidated Fund.

16. Until all charges which are payable out of the Church property in Ireland, and are guaranteed by the Treasury, have been fully paid, the Irish Land Commission shall continue as heretofore to exist, with such Commissioners and officers receiving such salaries as the Treasury may from time to time appoint, and to administer the Church property and apply the income and other moneys receivable therefrom ; and so much of the salaries of such Commissioners and officers and expenses of the office as is not paid out of the Church property shall be paid out of moneys carried to the customs and excise account under this Act, and if those moneys are insufficient, out of the Consolidated Fund of Ireland, and if not so paid, shall be paid out of moneys provided by Parliament.

Irish Church Fund.

Provided as follows :—

(a.) All charges on the Church property for which a guarantee has been given by the Treasury before the passing of this Act shall, so far as they are not paid out of such property, be paid out of the moneys carried to the Customs and Excise account under this Act, and if such moneys are insufficient, the Consolidated Fund of Ireland, without prejudice nevertheless to the guarantee of the Treasury ;

(b.) All charges on the Church property, for which no guarantee has been given by the Treasury before the passing of this Act shall be charged on the Consolidated Fund of Ireland, but

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shall not be guaranteed by the Treasury nor charged on the Consolidated Fund of the United Kingdom.

(2.) Subject to any existing charges on the Church property, such property shall belong to the Irish Government and any portion of the annual revenue thereof which the Treasury, on the application 5 of the Irish Government, certify at the end of any financial year not to be required for meeting charges, shall be paid over and applied as part of the public revenues under the control of the Irish Government.

(3.) As soon as all charges on the Church property guaranteed 10 by the Treasury have been paid, such property may be managed and administered, and subject to existing charges thereon disposed of, and the income or proceeds thereof applied, in such manner as the Irish Legislature may from time to time direct.

32 & 33 Vict.
c. 42.
44 & 45 Vict.
c. 71.

(4.) "Church property" in this section means all property 15 accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Act Amendment Act, 1881.

Public loans.

17.—(1.) All sums due for principal or interest to the Public 20 Works Loan Commissioners or to the Commissioners of Public Works in Ireland in respect of existing loans advanced on any security in Ireland shall on and after the appointed day be due to the Government of Ireland instead of the said Commissioners, and such body of persons as the Government of Ireland may appoint for the purpose shall have all the powers of the said Commis- 25 sioners or their secretary for enforcing payment of such sums, and all securities for such sums given to such Commissioners or their secretary shall have effect as if the said body were therein substituted for those Commissioners or their secretary.

(2.) For the repayment of the said loans to the Consolidated 30 Fund of the United Kingdom the Irish Government shall pay annually into that fund by half-yearly payments on the *first day of January* and the *first day of July*, or on such other days as may be agreed on, such instalments of the principal of the said loans as will discharge all the loans within *thirty years* from the 35 appointed day, and shall also pay interest half yearly on so much of the said principal as from time to time remains unpaid at the rate of *three per cent. per annum*, and such instalments of principal and interest shall be paid out of the moneys carried to the customs and excise account under this Act, and if these are insufficient, out 40 of the Consolidated Fund of Ireland.

Additional
aid in case
of war.

18. If Her Majesty declares that a state of war exists and is pleased to signify such declaration to the Irish Legislative

Body by speech or message, it shall be lawful for the Irish Legislature to appropriate a further sum out of the Consolidated Fund of Ireland in aid of the army or navy, or other measures which Her Majesty may take for the prosecution of the war and defence of the realm, and to provide and raise money for that purpose; and all moneys so provided and raised, whether by loan, taxation, or otherwise, shall be paid into the Consolidated Fund of the United Kingdom.

A.D. 1888.

19.—(1.) It shall not be lawful for the Irish Legislative Body to adopt or pass any vote, resolution, address, or Bill for the raising or appropriation for any purpose of any part of the public revenue of Ireland, or of any tax, duty, or impost, except in pursuance of a recommendation from Her Majesty signified through the Lord Lieutenant in the session in which such vote, resolution, address, or Bill is proposed.

Money bills and votes.

(2.) Notwithstanding that the Irish Legislature is prohibited by this Act from making laws relating to certain subjects, that Legislature may, with the assent of Her Majesty in Council first obtained, appropriate any part of the Irish public revenue, or any tax, duty, or impost imposed by such Legislature, for the purpose of, or in connexion with, such subjects.

20.—(1.) On and after the appointed day, the Exchequer Division of the High Court of Justice shall continue to be a Court of Exchequer for revenue purposes under this Act, and whenever any vacancy occurs in the office of any judge of such Exchequer Division, his successor shall be appointed by Her Majesty on the joint recommendation of the Lord Lieutenant of Ireland and the Lord High Chancellor of Great Britain.

Exchequer Division and revenue matters.

(2.) The judges of such Exchequer Division appointed after the passing of this Act shall be removable only by Her Majesty on address from the two Houses of the Imperial Parliament, and shall receive the same salaries and pensions as those payable at the passing of this Act to the existing judges of such division, unless with the assent of Her Majesty in Council first obtained, the Irish Legislature alters such salaries or pensions, and such salaries and pensions shall be paid out of the moneys carried to the customs and excise account in pursuance of this Act, and if the same are insufficient shall be paid out of the Irish Consolidated Fund, and if not so paid shall be paid out of the Consolidated Fund of the United Kingdom.

(3.) An alteration of any rules relating to the procedure in such legal proceedings as are mentioned in this section shall not be made

A.D. 1895. — except with the approval of the Lord High Chancellor of Great Britain, and the sittings of the Exchequer division and the judges thereof shall be regulated with the like approval.

(4.) All legal proceedings instituted in Ireland by or against the Commissioners or any officers of customs or excise, or the Treasury, 5 shall, if so required by any party to such proceedings, be heard and determined before the judges of such Exchequer division, or some or one of them, and any appeal from the decision in any such legal proceeding, if by a judge, shall lie to the said division, and if 10 by the Exchequer division, shall lie to the House of Lords, and not to any other tribunal; and if it is made to appear to such judges, or any of them, that any decree or judgment in any such proceeding as aforesaid, has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judges or 15 judge shall appoint some officer to enforce such judgment or decree; and it shall be the duty of such officer to take proper steps to enforce the same, and for that purpose such officer and all persons employed by him shall be entitled to the same immunities, powers, and privileges as are by law conferred on a sheriff and his officers.

(5.) All sums recovered in respect of duties of Customs and 20 Excise, or under any Act relating thereto, or by an officer of Customs or Excise, shall, notwithstanding anything in any other Act, be paid to the Treasury, and carried to the Customs and Excise account under this Act.

Police.

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Police.

21. The following regulations shall be made with respect to police in Ireland;

(a.) The Dublin Metropolitan Police shall continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty for a period of *two years* from the passing of this Act, 30 and thereafter until any alteration is made by Act of the Legislature of Ireland, but such Act shall provide for the proper saving of all then existing interests, whether as regards pay, pensions, superannuation allowances, or otherwise.

(b.) The Royal Irish Constabulary shall, while that force subsists, 35 continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty.

(c.) The Irish Legislature may provide for the establishment and maintenance of a police force in counties and boroughs in Ireland under the control of local authorities, and arrangements may be 40 made between the Treasury and the Irish Government for the establishment and maintenance of police reserves.

PART II.

A.D. 1886.

SUPPLEMENTAL PROVISIONS.

Powers of Her Majesty.

22. On and after the appointed day there shall be reserved to
 5 Her Majesty—

- (1.) The power of erecting forts, magazines, arsenals, dockyards,
 and other buildings for military or naval purposes ;
- (2.) The power of taking waste land, and, on making due
 10 compensation, any other land, for the purpose of erecting such
 forts, magazines, arsenals, dockyards, or other buildings as
 aforesaid, and for any other military or naval purpose, or the
 defence of the realm.

Legislative Body.

23. If a Bill or any provision of a Bill is lost by disagreement
 15 between the two orders of the Legislative Body, and after a period
 ending with a dissolution of the Legislative Body, or the period
 of *three years*, whichever period is longest, such Bill, or a Bill
 containing the said provision, is again considered by the Legislative
 Body, and such Bill or provision is adopted by the second order and
 20 negatived by the first order, the same shall be submitted to the
 whole Legislative Body, both orders of which shall vote together
 on the Bill or provision, and the same shall be adopted or rejected
 according to the decision of the majority of the members so voting
 together.

24. On and after the appointed day Ireland shall cease, except
 25 in the event hereafter in this Act mentioned, to return repre-
 sentative peers to the House of Lords or members to the House of
 Commons, and the persons who on the said day are such repre-
 sentative peers and members shall cease as such to be members of
 30 the House of Lords and House of Commons respectively.

Decision of Constitutional Questions.

25. Questions arising as to the powers conferred on the Legis-
 lature of Ireland under this Act shall be determined as follows:—

- (a.) If any such question arises on any Bill passed by the Legis-
 35 lative Body, the Lord Lieutenant may refer such question to
 Her Majesty in Council ;
- (b.) If, in the course of any action or other legal proceeding,
 such question arises on any Act of the Irish Legislature, any

Power over
certain lands
reserved to
Her Majesty.

Vote by
first order of
Legislative
Body, how
over-ruled.

Cesser of
power of
Ireland
to return
members to
Parliament.

Constitu-
tional ques-
tions to be
submitted to
Judicial
Committee.

A.D. 1885.

party to such action or other legal proceeding may, subject to the rules in this section mentioned, appeal from a decision on such question to Her Majesty in Council;

- (c.) If any such question arises otherwise than as aforesaid on any Act of the Irish Legislature, the Lord Lieutenant or one ⁵ of Her Majesty's principal Secretaries of State may refer such question to Her Majesty in Council;
- (d.) Any question referred or appeal brought under this section to Her Majesty in Council shall be referred for the consideration of the Judicial Committee of the Privy Council; 10
- (e.) The decision of Her Majesty in Council on any question referred or appeal brought under this section shall be final, and a Bill which may be so decided to be, or contain a provision, in excess of the powers of the Irish Legislature shall not be assented to by the Lord Lieutenant; and a pro- 15 vision of any Act which is so decided to be in excess of the powers of the Irish Legislature shall be void;
- (f.) There shall be added to the Judicial Committee when sitting for the purpose of considering questions under this section, such members of Her Majesty's Privy Council, being or having ²⁰ been Irish judges, as to Her Majesty may seem meet.
- (g.) Her Majesty may, by Order in Council from time to time, make rules as to the cases and mode in which and the conditions under which, in pursuance of this section, questions may be referred and appeals brought to Her Majesty in ²⁵ Council, and as to the consideration thereof by the Judicial Committee of the Privy Council, and any rules so made shall be of the same force as if they were enacted in this Act.
- (h.) An appeal shall not lie to the House of Lords in respect of any question in respect of which an appeal can be had to Her ³⁰ Majesty in Council in pursuance of this section.

Lord Lieutenant.

Office of
Lord
Lieutenant.

26.—(1.) Notwithstanding anything to the contrary contained in any Act of Parliament, every subject of Her Majesty shall be eligible to hold and enjoy the office of Lord Lieutenant of Ireland, ³⁵ without reference to his religious belief.

(2.) The salary of the Lord Lieutenant shall continue to be charged on the Consolidated Fund of the United Kingdom, and the expenses of his household and establishment shall continue to be defrayed out of moneys to be provided by Parliament. 40

(3.) All existing powers vested by Act of Parliament or otherwise in the Chief Secretary for Ireland may, if no such officer is appointed, be exercised by the Lord Lieutenant until other provision is made by Act of the Irish Legislature.

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- 5 (4.) The Legislature of Ireland shall not pass any Act relating to the office or functions of the Lord Lieutenant of Ireland.

Judges and Civil Servants.

27. A Judge of the Supreme Court of Judicature or other superior court of Ireland, or of any county court or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address to Her Majesty from both orders of the Legislative Body voting separately, nor shall his salary be diminished or right to pension altered during his continuance in office.

Judges to be removable only on address.

- 15 28.—(1.) All persons who at the passing of this Act are judges of the Supreme Court of Judicature or county court judges, or hold any other judicial position in Ireland, shall, if they are removable at present on address to Her Majesty of both Houses of Parliament, continue to be removable only upon such address from both Houses of the Imperial Parliament, and if removable in any other manner shall continue to be removable in like manner as heretofore; and such persons, and also all persons at the passing of this Act in the permanent civil service of the Crown in Ireland whose salaries are charged on the Consolidated Fund of the United Kingdom, shall continue to hold office and to be entitled to the same salaries, pensions, and superannuation allowances as heretofore, and to be liable to perform the same or analogous duties as heretofore; and the salaries of such persons shall be paid out of the moneys carried to the customs and excise account under this Act, or if these moneys are insufficient, out of the Irish Consolidated Fund, and if the same are not so paid, shall continue charged on the Consolidated Fund of the United Kingdom.

Provision as to judges and other persons having salaries charged on the Consolidated Fund.

- 35 (2.) *If any of the said persons retires from office with the approbation of Her Majesty before he has completed the period of service entitling him to a pension, it shall be lawful for Her Majesty, if she thinks fit, to grant to that person such pension, not exceeding the pension to which he would have been entitled if he had completed the said period of service, as to Her Majesty seems meet.*

- 40 29.—(1.) All persons not above provided for and at the passing of this Act serving in Ireland in the permanent civil service of the Crown shall continue to hold their offices and receive the same salaries, and to be entitled to the same gratuities and superannuation allowances as heretofore, and shall be liable to perform the

As to persons holding civil service appointments.

A.D. 1886.

same duties as heretofore or duties of similar rank, but any of such persons shall be entitled at the expiration of *two years* after the passing of this Act to retire from office, and at any time if required by the Irish Government shall retire from office, and on any such retirement shall be entitled to receive such payment as the Treasury 5 may award to him in accordance with the provisions contained in the Fourth Schedule to this Act.

(2.) The amount of such payment shall be paid to him out of the moneys carried to the customs and excise account under this Act, or, if those moneys are insufficient, out of the Irish Consolidated 10 Fund, *and so far as the same are not so paid shall be paid out of moneys provided by Parliament.*

34 & 35, Vict.
c. 36.

(3.) The Pensions Commutation Act, 1871, shall apply to all persons who, having retired from office, are entitled to any annual payment under this section, in like manner as if they had retired 15 in consequence of the abolition of their offices.

(4.) This section shall not apply to persons who are retained in the service of the Imperial Government.

Provision
for existing
pensions
and super-
annuation
allowances.

30. Where before the passing of this Act any pension or super-annuation allowance has been granted to any person on account 20 of service as a judge of the Supreme Court of Judicature of Ireland or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or on account of service in the permanent civil service of the Crown in Ireland otherwise than in some office the holder of which is, after the passing of this Act, 25 retained in the service of the Imperial Government, such pension or allowance, whether payable out of the Consolidated Fund or out of moneys provided by Parliament, shall continue to be paid to such person, and shall be so paid out of the moneys carried to the customs and excise account under this Act, or, if such moneys are 30 insufficient, out of the Irish Consolidated Fund, and so far as the same is not so paid, shall be paid as heretofore out of the Consolidated Fund of the United Kingdom or moneys provided by Parliament.

Transitory Provisions.

35

Transitory
provisions in
schedule.

31. The provisions contained in the Fifth Schedule to this Act relating to the mode in which arrangements are to be made for setting in motion the Irish Legislative Body and Government and for the transfer to the Irish Government of the powers and duties to be transferred to them under this Act, or for otherwise 40 bringing this Act into operation, shall be of the same effect as if they were enacted in the body of this Act.

Miscellaneous.

A. D. 1886.

32. Whenever an Act of the Legislature of Ireland has provided for carrying on the postal and telegraphic service with respect to the transmission of letters and telegrams in Ireland, and the post office and other savings banks in Ireland, and for protecting the officers then in such service, and the existing depositors in such post office savings banks, the Treasury shall make arrangements for the transfer of the said service and banks, in accordance with the said Act, and shall give public notice of the transfer, and shall pay all depositors in such post office savings banks who request payment within *six months* after the date fixed for such transfer, and after the expiration of such *six months* the said depositors shall cease to have any claim against the Postmaster General or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Consolidated Fund of Ireland, and the Treasury shall cause to be transferred in accordance with the said Act the securities representing the sums due to the said depositors in post office savings banks and the securities held for other savings banks.

Post Office and savings banks.

33. Save as otherwise provided by the Irish Legislature,—
 (a.) The existing law relating to the Exchequer and the Consolidated Fund of the United Kingdom shall apply to the Irish Exchequer and Consolidated Fund, and an officer shall from time to time be appointed by the Lord Lieutenant to fill the office of the Comptroller General of the receipt and issue of Her Majesty's Exchequer and Auditor General of public accounts so far as respects Ireland; and
 (b.) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of the holder of such office.

Audit.

29 & 30 Vict. c. 36.

34.—(1.) The privileges, immunities, and powers to be held, enjoyed, and exercised by the Irish Legislative Body, and the members thereof, shall be such as are from time to time defined by Act of the Irish Legislature, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the House of Commons, and by the members thereof.

Application of parliamentary law.

(2.) Subject as in this Act mentioned, all existing laws and customs relating to the members of the House of Commons and their election, including the enactments respecting the questioning of elections, corrupt and illegal practices, and registration of electors, shall, so far as applicable, extend to elective members of

[181.]

C

A.D. 1886. the first order and to members of the second order of the Irish
— Legislative Body.

Provided that—

- (a.) The law relating to the offices of profit enumerated in
Schedule H. to the Representation of the People Act, 1867, 5
shall apply to such offices of profit in the government of
Ireland not exceeding ten, as the Legislature of Ireland may
from time to time direct ;
- (b.) After the first dissolution of the Legislative Body, the
Legislature of Ireland may, subject to the restrictions in this 10
Act mentioned, alter the laws and customs in this section
mentioned.

Regulations
for carrying
Act into
effect.

35.—(1.) The Lord Lieutenant of Ireland may make regulations
for the following purposes :—

- (a.) The summoning of the Legislative Body and the election of 15
a speaker, and such adaptation to the proceedings of the
Legislative Body of the procedure of the House of Commons
as appears to him expedient for facilitating the conduct of
business by that body on their first meeting ;
- (b.) The adaptation of any law relating to the election of 20
representative peers ;
- (c.) The adaptation of any laws and customs relating to the
House of Commons or the members thereof to the elective
members of the first order and to members of the second order
of the Legislative Body ; and 25
- (d.) The mode of signifying their assent or election under this
Act by representative peers or Irish members of the House of
Commons as regards becoming members of the Irish Legislative
Body in pursuance of this Act.

(2.) Any regulations so made shall, in so far as they concern the 30
procedure of the Legislative Body, be subject to alteration by
Standing Orders of that Body, and so far as they concern other
matters, be subject to alteration by the Legislature of Ireland,
but shall, until alteration, have the same effect as if they were
inserted in this Act. 35

Saving
of powers of
House of
Lords.

36. Save as is in this Act provided with respect to matters to be
decided by Her Majesty in Council, nothing in this Act shall affect
the appellate jurisdiction of the House of Lords in respect of
actions and suits in Ireland, or the jurisdiction of the House of
Lords to determine the claims to Irish peerages. 40

Saving of
rights of
Parliament.

37. Save as herein expressly provided all matters in relation to
which it is not competent for the Irish Legislative Body to make

or repeal laws shall remain and be within the exclusive authority of the Imperial Parliament save as aforesaid, whose power and authority in relation thereto shall in nowise be diminished or restrained by anything herein contained.

A.D. 1835.

- 5 38.—(1.) Except as otherwise provided by this Act, all existing laws in force in Ireland, and all existing courts of civil and criminal jurisdiction, and all existing legal commissions, powers, and authorities, and all existing officers, judicial, administrative, and ministerial and all existing taxes, licence, and other duties, fees, and other
10 receipts in Ireland shall continue as if this Act had not been passed; subject, nevertheless, to be repealed, abolished, or altered in manner and to the extent provided by this Act; provided that, subject to the provisions of this Act, such taxes, duties, fees, and other receipts shall, after the appointed day, form part of the public
15 revenues of Ireland.

Continuance of existing laws, courts, officers, &c.

- (2.) The Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of such Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of excise or customs, manufactured, imported, kept for sale, or
20 sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyance used in connexion therewith, or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, selling, or having the custody or possession of the same as they would have
25 had if this Act had not been passed.

39.—(1.) On and after the appointed day this Act shall not, except such provisions thereof as are declared to be alterable by the Legislature of Ireland, be altered except—

Mode of alteration of Act.

- (a.) by Act of the Imperial Parliament and with the consent of
30 the Irish Legislative Body testified by an address to Her Majesty, or
(b.) by an Act of the Imperial Parliament, for the passing of which there shall be summoned to the House of Lords the peerage members of the first order of the Irish Legislative
35 Body, and if there are no such members then twenty-eight Irish representative peers elected by the Irish peers in manner heretofore in use, subject to adaptation as provided by this Act; and there shall be summoned to the House of Commons
40 such one of the members of each constituency, or in the case of a constituency returning four members such two of those members, as the Legislative Body of Ireland may
[181.]

A.D. 1886.

select, and such peers and members shall respectively be deemed, for the purpose of passing any such Act, to be members of the said Houses of Parliament respectively.

(3.) For the purposes of this section it shall be lawful for Her Majesty by Order in Council to make such provisions for summoning the said peers of Ireland to the House of Lords and the said members from Ireland to the House of Commons as to Her Majesty may seem necessary or proper, and any provisions contained in such Order in Council shall have the same effect as if they had been enacted by Parliament. 10

Definitions.

40. In this Act—

The expression "the appointed day" shall mean such day after the *thirty-first day of March in the year one thousand eight hundred and eighty-seven* as may be determined by order of Her Majesty in Council. 15

The expression "Lord Lieutenant" includes the lords justices or any other chief governor or governors of Ireland for the time being.

The expression "Her Majesty the Queen," or "Her Majesty," or "the Queen," includes the heirs and successors of Her Majesty the Queen. 20

The expression "Treasury," means the Commissioners of Her Majesty's Treasury.

The expression "Treaty" includes any convention or arrangement.

The expression "existing" means existing at the passing of this Act. 25

The expression "existing constituency" means any county or borough, or division of a county or borough, or a University, returning at the passing of this Act a member or members to serve in Parliament. 30

The expression "duties of excise" does not include a duty received in respect of any license whether for the sale of intoxicating liquors or otherwise.

The expression "financial year" means the twelve months ending on the *thirty-first day of March*. 35

Short title of Act.

41. This Act may be cited for all purposes as the Irish Government Act, 1886.

FIRST SCHEDULE.

A.D. 1885.

FIRST ORDER OF THE IRISH LEGISLATIVE BODY.

Electoral Districts.	Number of Members.	Residence.

SECOND SCHEDULE.

- 5 PROVISIONS RELATING TO THE FIRST ORDER OF THE IRISH
LEGISLATIVE BODY.

THIRD SCHEDULE.

- 10 BOUNDARIES OF DIVISIONS OF THE CITY OF CORK FOR THE
PURPOSE OF RETURNING MEMBERS TO THE SECOND ORDER OF
THE LEGISLATIVE BODY.

A D. 1886.

FOURTH SCHEDULE.

PROVISIONS AS TO SUPERANNUATION ALLOWANCES OF PERSONS
IN THE PERMANENT CIVIL SERVICE.

FIFTH SCHEDULE.

TRANSFERTY PROVISIONS.

5

Government of Ireland.

A

BILL

To amend the Provision for the Future
Government of Ireland.

(Prepared and brought in by
Mr. Gladstone, Mr. Secretary (Children,
Mr. John Morley, and Mr. Attorney-General.)

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[Bill 181.]